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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 WESTERN DIVISION
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12 Anthony Lemon, *et al.*,
13 Plaintiffs,
14 v.
15 Bear Stearns Residential Mortgage
16 Corp., *et al.*,
17 Defendants.
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Case. No. CV 11-03677 ODW (FMOx)
Order **GRANTING** Defendant's
Motion to Dismiss [22] [Filed
08/01/11] and **VACATING** Hearing
Thereon

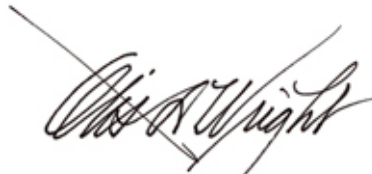
19 On March 24, 2011, Plaintiffs, Anthony Lemon and Laurielle Lemon ("Plaintiffs"),
20 filed a Complaint in Los Angeles County Superior Court against Defendants, Bear
21 Stearns Residential Mortgage Corporation, EMC Mortgage Corporation ("EMC"), and
22 JP Morgan Chase (collectively, "Defendants"). (Dkt. No. 1.) On April 28, 2011, EMC
23 removed the action to federal court and subsequently moved to dismiss Plaintiffs'
24 Complaint. (Dkt. Nos. 1, 6, 7.) Plaintiffs, however, filed an untimely opposition to
25 EMC's motion, in which they failed to substantively address EMC's arguments. (Dkt.
26 No. 17.) Consequently, on June 8, 2011, the Court granted EMC's motion to dismiss,
27 giving Plaintiffs thirty days in which to amend their Complaint.
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1 Plaintiffs, however, failed to meet this deadline. Nevertheless, upon Plaintiffs'
2 request for leave, the Court permitted Plaintiffs' untimely First Amended Complaint to
3 be filed and processed. In doing so, the Court cautioned Plaintiffs that "[i]n the future,
4 further leave of this nature w[ould] not be so readily granted." (Dkt. No. 20.)

5 Currently before the Court is EMC's Motion to Dismiss Plaintiffs' First Amended
6 Complaint. (Dkt. No. 22.) Pursuant to Local Rule 7-9, Plaintiffs' Opposition was due
7 on August 22, 2011. Yet, to date, Plaintiffs have failed to oppose EMC's Motion, which
8 may be deemed consent to the granting of the Motion. *See* L.R. 7-12. Upon considering
9 EMC's arguments in support of its Motion and because Plaintiffs appear unwilling or
10 unable to properly prosecute their claims against EMC, the Court hereby **GRANTS**
11 EMC's Motion to Dismiss. All claims against EMC are hereby **DISMISSED WITH**
12 **PREJUDICE**. The September 12, 2011 hearing on this matter is **VACATED** and no
13 appearances are necessary.

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15 **IT IS SO ORDERED.**

16 August 30, 2011



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19 HON. OTIS D. WRIGHT, II
20 UNITED STATES DISTRICT JUDGE
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